

**Report of the Republic of Moldova
on the implementation of the Programme of Action to Prevent, Combat
and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

The illicit trafficking, proliferation and misuse of SALW are now widely recognized among the major sources of insecurity and human suffering across the world, and the problem of efficient prevention or eradication of the illicit trade in SALW in all its aspects is still far from its comprehensive resolution.

In this regard, the Republic of Moldova have taken concrete actions on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Due to the fact that some regulations of the present *Law of the Republic of Moldova on arms* do not integrally reflect the correct notions of arms and the restrictions on their circulation, and others need to be brought in compliance with the provisions of international conventions for protecting human rights, as well as for reflecting the experience of other states in this domain, a number of changes have been operated on the Law on arms that was adopted on May 18, 1994 and the Governmental Decision adopted on January 18, 1995 “on the measures for implementing the Law of the Republic of Moldova nr.110-XIII from the 18th May 1994” which regulate the manufacturing, export, import, transit and re-export of SALW on the territory of the Republic of Moldova.

According to the present legislation, the manufacturing of SALW is a State monopoly and it is performed in accordance with the Governmental norms. The law indicates that the weapons and ammunitions are manufactured on factories owned by state, specially designed and provided by high technology, where the security, control and production quality are assured.

However, the Republic of Moldova does not have such factories; therefore, we cannot take into account the legal weapon industry. Nowadays, we are confronting only with combating of illicit production and counterfeiting of weapons. Law on arms delimitates the ability of state institutions regarding arms control. The juridical monitoring of weapons is in the competence of the Parliament.

The Government:

- develops the concept of weapons manufacture at the specialized State’s enterprises;
- organizes the weapons manufacture, purchase and sale;
- weapons procurement from other countries;
- the sale of the weapons that constitute the States’ property to other countries or juridical entities;
- establishes the order of possession and use of the weapons that constitute the State’s property and takes decisions on transfer of these weapons in possession and use;
- establishes the contents of State’s Cadastre and State’s Register on weapons;
- composes the list of certain types of weapons and ammunition affirmatively authorized for purchasing by juridical entities and physical persons;
- executes other functions, which is in its competence.

The Ministry of Internal Affairs:

- develops common rules on weapons control, presents proposals to the Government concerning perfection of the legislation in the field of arms and also presents legislative acts

- that regulate manufacture, purchase, carrying, possession, transportation and use of weapons by physical persons and juridical entities;
- ensures the monitoring over manufacture, purchase, carrying, possession, transportation and use of weapons which is a private property of physical persons and juridical entities and provides control over the weapons transferred to physical persons and juridical entities for possession and use;
 - provides the control over import and export of weapons;
 - distributes licenses for activities of non-state protection;
 - delivers authorizations for purchase of weapons abroad with the purpose of sale to physical persons and juridical entities and for import to the territory of the Republic;
 - delivers permissions for establishing of specialized shops for sale of an individual arms, specialized enterprises on manufacturing the certain types of weapons and workshops on repair of weapons and manufacturing of details;
 - registration of weapons with rifled barrel which is in a private property of physical persons;
 - executes other functions, which is in its competence or delegates some part of its competence to the Police.

The Police:

- delivers permissions for purchase, carrying, possession and transportation of weapons (with exception of the weapon with a rifled barrel);
- keeps records of weapons which constitute a private property of physical persons and juridical entities (with exception of the weapon with a rifled barrel);
- conducting the account of weapon;
- control of execution of the rules on manufacturing, purchasing, carrying, transportation and use of weapons;
- takes away the permissions on possession of weapons and confiscates them in cases stipulated by the Law.

The arms import/export on/from the territory of Moldova is regulated by the international agreements. In case that the international agreement signed by Republic of Moldova contains other rules than those from the Law on arms, the provisions of the international agreement prevail.

As it was mentioned, Law on arms is a legal base by means of which the State carries out the control of manufacture, commerce, purchase, storage, use and also imports and exports of weapons and ammunitions.

However, the Law refers only to hunting weapons, arms used in firing ranges, decorative weapon, collection and weapon of a self-defense. The Law also stipulates that all the weapon belonging to the Ministry of Defense, the National Security Service and the Ministry of Internal Affairs are subject to relevant legislative acts and various military regulations.

The transfer of the weapons constituted the States' property for the purpose of possession and use by the Ministry of Defense, the National Security Service, the Ministry of Internal Affairs and by other official organizations is established by the Government.

According to the amendments of Low on arms, the weapons are classified by the main categories:

- Military – used only by the Ministry of Defense, the National Security Service, the Ministry of Internal Affairs

- Self-defense – that can be sold to the citizens.

The import of military weapons is performed according to the authorization issued by the Governmental Commission composed by the representatives of all ministries. The Commission is issuing the authorization after examining of arms procurement request. The mentioned request might be forwarded only to the ministries entitled to own military weapons.

During 2004, the Republic of Moldova did not import/export weapons for military purposes.

The import of weapon of self-defense into the territory of the Republic of Moldova is unfolded by economic agents licensed in this domain, as well as by natural entities. At the present moment there exist 4 (four) of such economic agents, that at the same time with the above mentioned activity are licensed and hold the right to commercialize this category of arms and afferent ammunitions. In this sense, and in compliance with the provision of the law, the arms are being commercialized only through specialized shops, authorized by the Ministry of Internal Affairs.

Within 2004, 1762 self-defense weapon pieces were imported as follows: 876 by Russian Federation, 81 by Austria, 52 by Germany, 86 by Bulgaria, 627 by Czech Republic, 30 by Byelorussia, 10 by USA.

The arms can be repaired only in specially designed repairing shops that have the statute of economic agents and are registered in the established way; they hold a license for unfolding such an activity and have the authorization of the Ministry of Internal Affairs.

The license permitting to unfold the commercial activity is issued to the economic agent only after a strict verification, in conformity with the database of the Ministry of Internal Affairs, of all the staff that will be employed in this economic unit. This fact gives the possibility to find out if the database contains or no some compromising information regarding a certain person that applied for the job.

The authorized services of the Ministry of Internal Affairs coordinate the activity of those economic agents, assuring a strict control of arms and ammunitions that are being imported and commercialized, as well as of the conditions of their storage. Periodically there are organized general controls, conducted by inspectors from different fields of activity (accountability, fiscal department, arms control, customs, etc.)

According to the regulation M.O.I. no.6/3128 of 24.09.2004 all economic agents licensed on arms trade, have been verified regarding to the procurement and transport authorizations, procurement, deposit and junk contracts, arms provenience documents, incoming/expenditure invoices, all trade documents, the real existence of the procured armament and ammunition. It has not been determined serious abbots from the import and trade regulations.

The present legislation grants the private property right on arms of small caliber and ammunition to natural entities that have reached the age of 18 years old, that do not have medical limitations in handling arms, have not committed criminal offences or whose criminal record was extinguished in the established way and reside on the territory of the country.

Natural and legal entities, holders of the property right on arms of small caliber, can purchase arms and ammunition only on the base of an authorization issued by the police bodies, in the way established by the law.

The police bodies, in accordance with the administered territory, also accomplish the registration and record of all arms, property of natural and legal entities.

In such a way the Ministry of Interior is represented as the main institution meant to coordinate the efforts of managing the activity of preventing and combating illicit manufacture, trafficking, trade and other actions in this domain.

In the same time, in dependence of the competence those basic functions are also attributed to the customs, border guard troops, State Ecologic Inspectorate.

Note: all the small arms, as a compulsory condition, have to pass the shooting test with the internal affairs bodies and are registered in the collection of tubes and cartridges.

The registration of small caliber arms in private property of natural and legal entities is accomplished by means of an electronic recording program „Arms register” created by the Ministry of Internal Affairs. At the present moment this program is implemented and used at territorial level, but due to the lack of financial sources the centralized stocking and integration of the information is not yet possible.

Recently, in order to exclude the possibility to authorize a person with criminal record to possess an arm, with the initiative of the Ministry of Internal Affairs, a draft of new Governmental Decision was adopted that prohibits the issuance of authorizations for arm possession to a person that committed before a serious crime with using an arm.

As a decision making factor, the Ministry of Internal Affairs of the Republic of Moldova strictly controls and permanently unfolds special operations for discovering, stopping and registering certain criminal groups at their initial stage that lately could have links with illegal activities of arms circulation; those operations involve all the operative units. Even if the aim of the special operation is to discover and prevent other types of illicit actions, still the fact of finding out illegally possessed arms and ammunitions remains an important moment of every operation.

In order to obtain an enhanced efficiency of those operations, members of different civil organizations, economic agents that unfold detective and guarding activity, popular guards, etc. are also involved.

In order to raise the efficiency and improve the activity of control upon circulation, ownership and conditions of storage of self-defense weapons in the possession of physical and corporate persons, was elaborated the order of the Ministry of Internal Affairs no. 6/688 dated 22.03.2004 “On the improvement of arms circulation control activity” aimed at the stabilization of procedures and specific verification requirements for the owners of weapons.

During the year 2004 at 44560 owners of self-defense weapons 82486 verifications were performed, in result 9191 owners were brought to administrative responsibility.

The police authorities implemented 4 special campaigns “Arsenal” aimed at detection and sanctioning of breaches of legislation on arms.

In the result of implemented activities, during the year 2004 the territorial subdivisions have confiscated 6110 units of fire weapons, 20985 units of different ammo, 25 units of cold steel weapons 164 grenades and mines, in 65 cases explosive materials were confiscated in different quantities.

Among them:

- 5260 arms were confiscated on temporary basis due to the owners’ failure to observe the regime of storage of weapons, after they were brought to administrative responsibility and have liquidated the invoked breaches the arms were returned to them;
- 112 units of arms were given up voluntarily;
- 103 units of arms were found without proprietors;
- 276 units represent corpus delicti;

- 303 units are sequestered and confiscated arms.

During the reference period the specialists of the Ministry of Internal Affairs detected and documented 2 cases of arms with structural modifications that were taken out of use and transmitted for destruction.

In 9 cases of confiscation of arms in respect of their owners criminal proceedings were instituted.

In each commissariat of police a competent officer is designated as responsible for the assurance of integrity, accounting, accumulation and monthly transmission of information to the Ministry of Internal Affairs on the number of found, sequestered, confiscated and voluntarily given up arms and arms representing corpus delicti.

- based on the order of Ministry of Internal Affairs 6/1852 dated 16.07.2004, taking into consideration the growing number of incidents with involvement of fire arms , in the result of efficient collaboration with the Department for Standardization, based on a bilateral plan was performed the technical checkup of arms in a number of districts of the country and 753 units of arms were withdrawn from circulation as unusable.

Transparency measures

The problem of realizing the need of voluntary transmission of illegally possessed arms is permanently discussed by the internal affairs bodies and by the government of the country.

Respectively, we undertake concrete measures for popularizing and promoting the idea of the importance of transmitting illegally possessed arms.

Periodically we publish in mass-media articles that reflect the obtained results in fighting illegal possession, manufacture and trade of arms by the citizens or criminal groups. We plan and organize meetings of police officers with the population for convincing the citizens to voluntarily transmit illegally possessed arms. During the hunting period, nearly all the hunters are involved in providing information referring to the illegal possession of arms by persons that practice poaching.

All the relevant normative acts are published in the Official Monitor of the Republic of Moldova, thus allowing all citizens to get familiarized with the legal requirements in force.

Still the increase of crimes committed with the use of firearms illegally possessed, alerted not only the Ministry of Interior but also the high governmental officials. This delicate aspect of the problem determined to elaborate a normative act that will permit to register the illegally possessed arms, in accordance with assuring the protection of fundamental human rights and freedoms, aiming in this sense at preventing crimes committed with the use of arms.

The elements taken into consideration for storage locations.

The following requirements stipulated in various regulations of an army level must be taking into account while planning locations for storage facilities:

- the ground conditions must be proven to be geographically stable (maximum angle varies within 2-3 grades) and the surface must be such that the facility is accessible at all times and during all weather conditions;

- the location must have a natural camouflage preventing storages from air and ground observation and providing appropriate ventilation from any direction;

- the location must be away from areas susceptible to flooding and factories eliminating gases and steams into atmosphere that can harmfully affect arms and ammunition stockpiles and therefore reducing their lifetime;
- located close enough to roads and sources of water and electricity;
- the locations planned for storage facilities that would contain artillery ammunitions must be located 10 – 15 km away from populated areas, storages with oil, gasoline and other inflammable materials, motor pools, railroads, factories, fire ranges and high voltage electric lines.

Legislative acts and regulations on stockpile security.

The operational orders define the inventory control as well as requirements for proper and secure storage of weapons and ammunition in the National Army, Ministry of Interior Affairs and the National Security Service. The inventory control is carried out both manually and with computers.

Except for that there are manuals determining the order of maintenance, storage, preservation and transportation of each category of weapons.

Security measures applied on stockpile facilities.

For the construction, concrete elements and bricks are commonly used. Doors are built of metal. Those made of wood are heavily reinforced with metal elements. Windows are small (most of storage facilities do not have windows at all), with metal grids and are normally kept close to the roof thus making them absolutely inaccessible. The storage facilities are cleared along their sides from inflammable materials and fire-fighting equipment (water and sand included) is located next to the storage facilities.

Each storage facility is provided with lightning protection and fire alarm system. To execute works in nighttime and facilitate guarding the storage facilities are also equipped with lighting placed at the exterior.

Inspections and verifications of the storage facilities.

Inspections and verifications of the storage facilities are carried out by:

- unit commanders and their deputies on armament in presence of persons that
- assumed responsibility for the arms and ammunition containing within the
- storage facilities;
- respective Departments and Sections of the General Staff;
- responsible persons during inventory controls.

The measures undertaken for objects protection and guarding.

Since the service in the National Army is mainly based on the conscript system only conscripts are used for guarding. The number of guarding personnel for each object varies depending on the size of a particular object and the territory where it is located. All storage facilities are guarded during 24 hours. The guarding service is carried out in accordance with the “Manual on Garrison and Guard duty”. It is organized in such an order that 1/3 of the

personnel is on duty, 1/3 is on readiness and the last 1/3 is taking a rest (sleeping), but in case of a threat situation, every sentinel has to protect its object and every object is to be reinforced by the personnel that is on readiness. The personnel for guarding service is carefully selected and being instructed and trained by the chief of staff, the unit commander and duty officer every time it goes on duty. At the end of the instruction the soldiers have to sign a paper proving that they are aware of their tasks.

Not all objects are guarded with dogs but all have appropriate fencing made either of concrete elements or barbed wire. All storage facilities containing arms and ammunition are equipped with lighting placed at the exterior and alarm systems that snap into action when somebody is trying to unlock the doors or break walls and roof, thus alarming the guard officer and the sentinel.

At the time being due to the Army budget constrains the technical resources of guarding or surveillance by videos and cameras are not being used.

Access control on the territory of the storage facilities.

The chiefs of the respective Departments and Sections of the General Staff establish the access control on the territory of the storage facilities. To get access to the objects with the military equipment, arms and ammunition that are being guarded, the permanent or one-occasion pass signed by the unit commander and endorsed with the unit's official seal is required.

The list of persons that are authorized to access the storage facilities (objects) as well as seals' samples approved by the unit commander are placed in the guard building at the guard officer's disposal. The keys are also kept in the guard building and, when necessary, distributed by the guard officer to the responsible persons upon presenting any of the above-mentioned passes.

Inventory control.

The inventory control is based on specific procedures and aims to ensure accountability. Although automated systems are used at certain degree, the inventory control in the National Army is mostly done manually. To ensure accountability and tracing records of the weapons are kept specifying the type of the weapon, its serial number and its category.

The Rocket and Artillery Armament Section (RAAS) of the General Staff is in charge of inventory control and manages the information on holdings, stocktaking and transfer of weapons and ammunition in the National Army. The data can be kept at the RAAS for the period of 5 years (approximately) before being transferred to the military archive. The inventory control periodicity is determined by the chief of RAAS in annual plans and approved by the Chief of General Staff.

The inventory control and verification of arms in the National Army is carried out as follows:

- physical checks by the responsible persons when working on the inventory;
- inspections by authorized officers;
- verification the number of weapons with armament service database (conducted twice in a year by unit commanders);
- checking of weapons in units is carried out by all commanding personnel:

- squad leader – daily
- platoon commander – weekly
- company commander – once in two weeks
- battalion commander - once in three weeks
- brigade commander – once in six weeks

Security of transport.

The Appendix to the order № 260 of the Minister of Defense “Manual on rocket artillery arms maintenance” defines the order of transportation of arms and ammunitions.

All movements of arms and ammunition can only be done by the order of the chief of armament and logistics staff. For this purpose, military vehicles are used. Before being transferred arms and ammunition are carefully packed by type into standard, sealed cases. Accompanying list and handover/take over protocols are the type of documents that have to be attached to arms and ammunition cases transported.

The most essential rule applied to transfers of arms and ammunition is that all different types of equipment are to be transported separately in different vehicles.

Transfers have to be coordinated (time and route) with local authorities and the Ministry of Internal Affairs. Each vehicle carrying arms and ammunition has the accompanying list and handover/take over protocols containing the information on number of equipment transferred a factory’s number where transferred equipment had been produced as well as serial numbers of arms and ammunition and the year of their manufacturing. The accompanying list has to be signed by the unit’s chief of rocket and artillery service and by the person responsible for storage facility. Then the unit commander approves the list and endorses it with the unit’s official seal.

Normally, while transporting arms and ammunition the first and the last trucks in column are the military armed escort. The Ministry of Internal Affairs’ road police and the Ministry of Defense’s military police escort the column in front and from the rear (respectively).

Destruction of arms

Presently the Republic of Moldova is facing a problem in the destruction of arms due to the lack of specialists and financial resources for this. This problem from year to year is becoming more and more acute due to the permanent increase of the number of weapons for destruction and difficulties in assuring their safe storage. During the year 2005 the Republic of Moldova will attract financial resources from abroad for the solution of this problem.

Sanctions applied in cases of theft or loss of weapons and ammunition.

The cases of theft or loss of weapons and ammunition are immediately reported and the investigation procedures are being started. According to the Law the main bodies responsible for investigation of such cases are: the Ministry of Internal Affairs and the Office of Public Prosecutor. The persons incriminated in violation of the provisions set by the legislative acts on weapon are subject to administrative and criminal prosecution.

The Criminal Code of the Republic of Moldova contains provisions for sanctioning illegal possession, manufacture and trade of arms, explosive substances and ammunitions.

In such a way, for violating the provisions for manufacturing, possessing and commercializing arms and ammunitions there is established a criminal liability – deprivation of liberty up to 10 years.

Unfortunately all of the actions mentioned above cannot be undertaken on the entire territory of the Republic of Moldova. The transnistrian region of the Republic of Moldova, which is controlled by a separatist regime, is a “black hole” and a heaven for illegal manufacturing and smuggling of weapons. In the recent years, enterprises from the mentioned region of the Republic of Moldova illegally produced different types of armaments, including small arms and light weapons.

Presently, at least three industrial enterprises from this region are engaged in the production of armament: the Mechanical Plant from Bender, the Steel Mill from Rybnitsa and Electromash Plant from Tiraspol. The range of armaments produced by these units is rather impressive:

- BM 21 “Grad” rocket launcher systems
- 82 mm mortars
- SPG-9 anti-tank grenade launchers
- RPG-7 portable anti-tank grenade launchers
- 9 mm submachine guns
- PM Makarov 9 mm pistols, etc.

There is no national or international control over the manufacture of small arms in the transnistrian region of Moldova. The Republic of Moldova does not have information on the marking and records of these arms. We are facing the threat of non-responsible recipients and also irresponsible, uncontrollable and criminal producers.

The problem of the proliferation of weapons which, through certain third countries, reach other conflict zones, supporting terrorist and criminal groups, as well as secessionist movements, continues to be a major concern. The intelligence sources point out that a considerable number of SALW produced in the transnistrian secessionist region that tightly collaborates with other separatist regions, is proliferated to different conflict zones as Abkhazia, Georgia and Chechnya, the Russian Federation. The separatist authorities are interested in the perpetuation of illegal trade with weapons as this serves as a source of continuous funding for them.

In these circumstances, any control over the production, marking, tracing and movement of weapons is quite impossible, which makes the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, along with other relevant regional documents, extremely difficult in the whole region.

Moreover, the transnistrian regime feels at safe under the shield of the Russian military presence in Moldova that constitutes a major impediment for the settlement process of the transnistrian conflict.

We strongly believe that the withdrawal of Russian forces from the territory of the Republic of Moldova in compliance with the 1999 OSCE Istanbul Summit commitments will contribute to enhancing the security and stability in the region and to identifying a lasting political solution to the transnistrian conflict.